

## *Appendix A*

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## **I. INTRODUCTION AND PURPOSE**

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This Initial Study of environmental impacts has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 *et seq.*) and the regulations and policies of the City of Milpitas.

This Initial Study evaluates the potential environmental impacts that might reasonably be anticipated to result from implementation of the proposed Californian Residential Project. The purpose of this Initial Study is to focus the analysis in the project-level Environmental Impact Report (EIR) on effects determined to be significant (CEQA Guidelines §15063).

### *Background*

The project site is a 2.95-acre property (2.95 net acres and 3.24 gross acres) bounded by Calaveras Boulevard to the north, Interstate 680 to the east, Los Coches Street to the south, and South Hillview Street to the west, in the City of Milpitas.

The project site is currently developed with a single-story commercial building and a surface parking lot. The project proposes to demolish the existing building and construct two residential towers (12-stories and 10-stories) and a resident parking garage. A complete project description is found on page 5 of this report.

### *Objectives*

The objective of the project proponent is to provide economically viable high-density housing at an infill location near major transportation routes in the City of Milpitas that conforms to the goals and policies of the Milpitas General Plan.

## **II. PROJECT INFORMATION**

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### **A. PROJECT TITLE**

The Californian Residential Project

### **B. PROJECT LOCATION**

The project site is bounded by South Hillview Street to the west, Calaveras Boulevard to the north, Interstate 680 to the east, and Los Coches Street to the south. See Figures 1 and 2 for project location.

### **C. LEAD AGENCY CONTACT**

City of Milpitas  
Dennis Carrington  
Planning Division  
455 E. Calaveras Blvd.  
Milpitas, CA 95035  
408-586-3275

### **D. PROPERTY OWNER'S NAME AND ADDRESS**

The Eaton 1988 Revocable Trust  
455 West Evelyn Ave.  
Mountain View, CA 94041

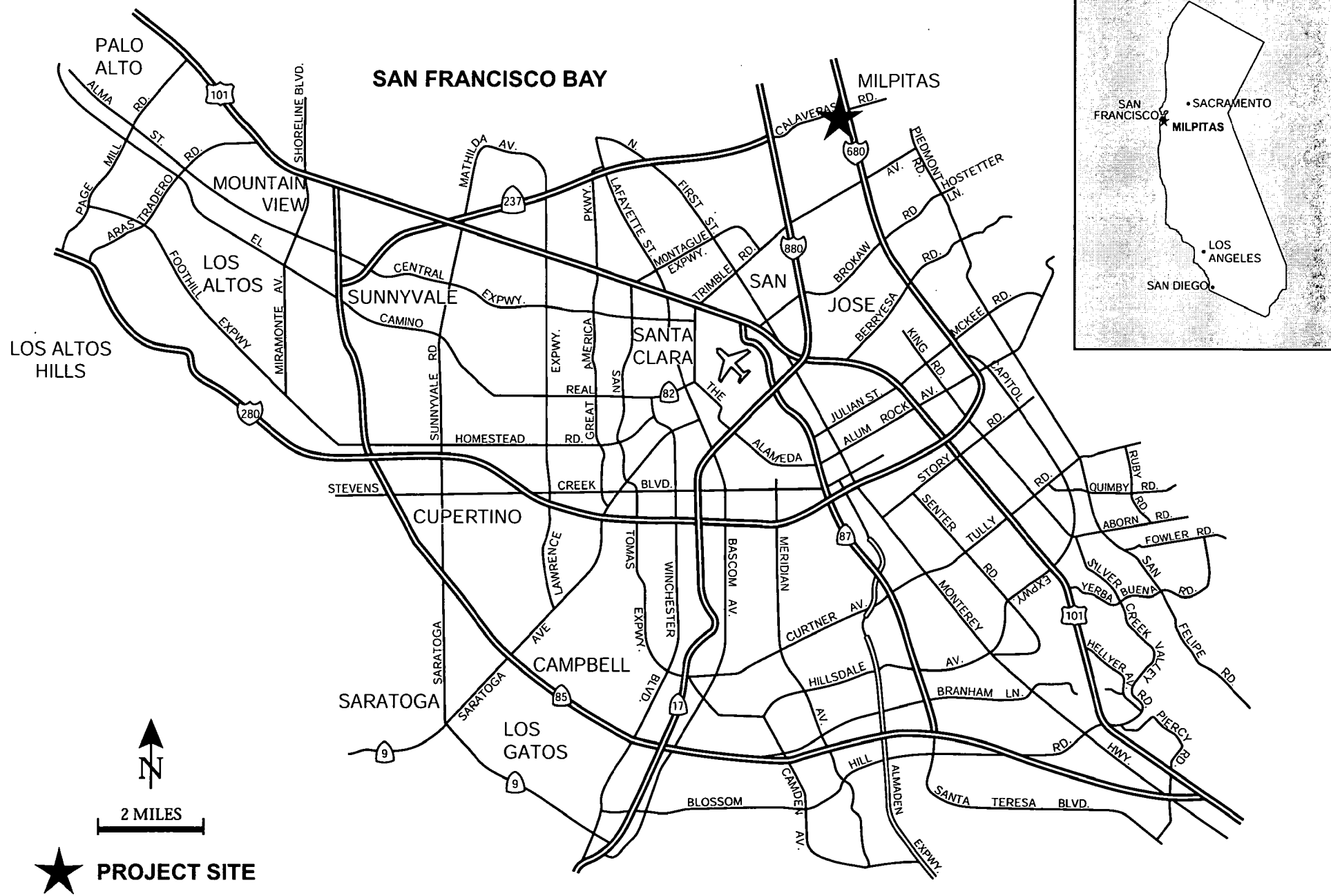
*With an option to purchase by:*  
Green Valley Corp., d.b.a. Barry Swenson Builder  
777 N. First Street, 5<sup>th</sup> Floor  
San José, CA 95112

### **E. ASSESSOR'S PARCEL NUMBERS**

086-29-050

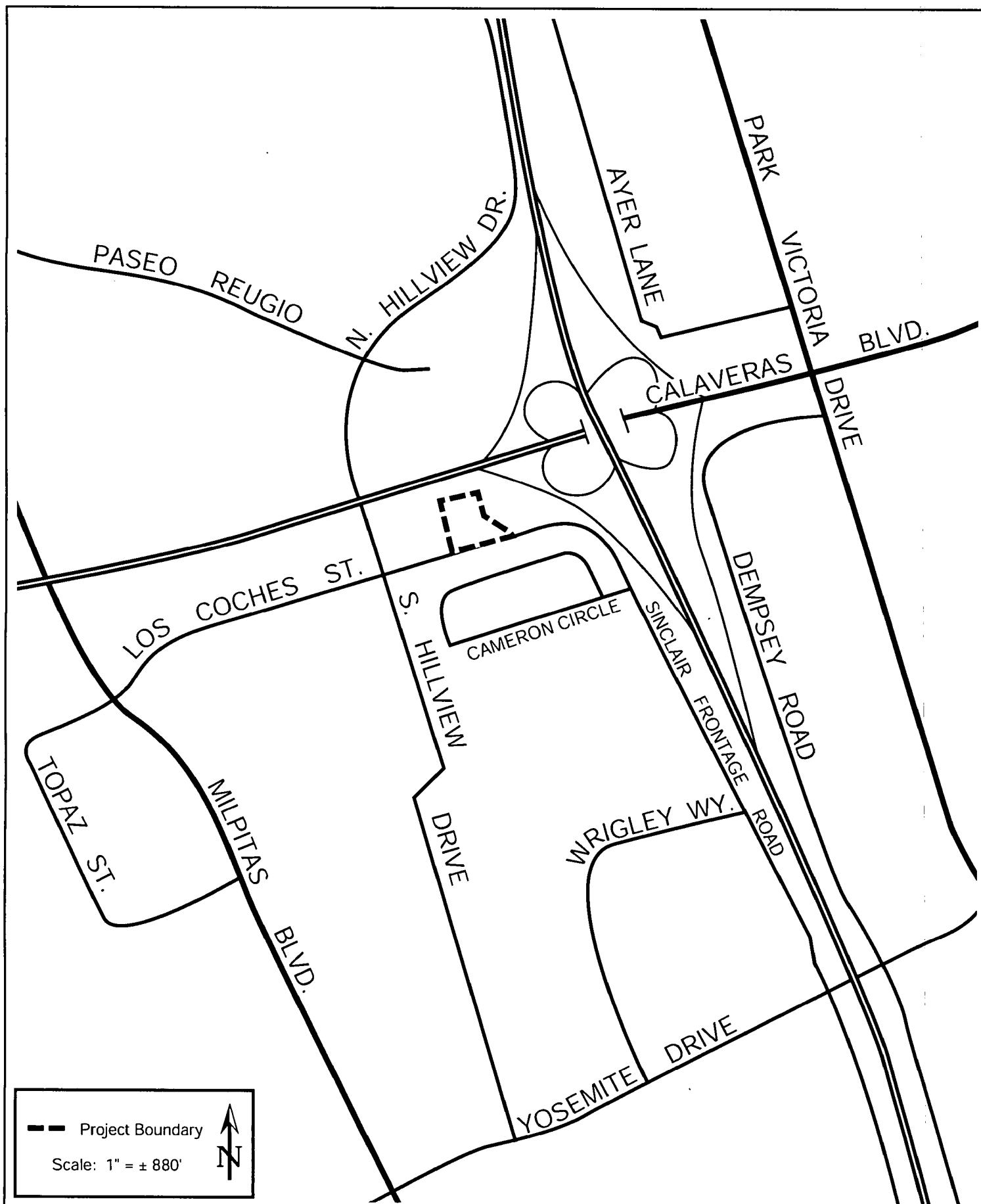
### **G. ZONING DISTRICT AND GENERAL PLAN DESIGNATION**

The project site is designated *Highway Services* by the City of Milpitas's General Plan and is zoned *HS* (Highway Service District).



REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2

### III. PROJECT DESCRIPTION

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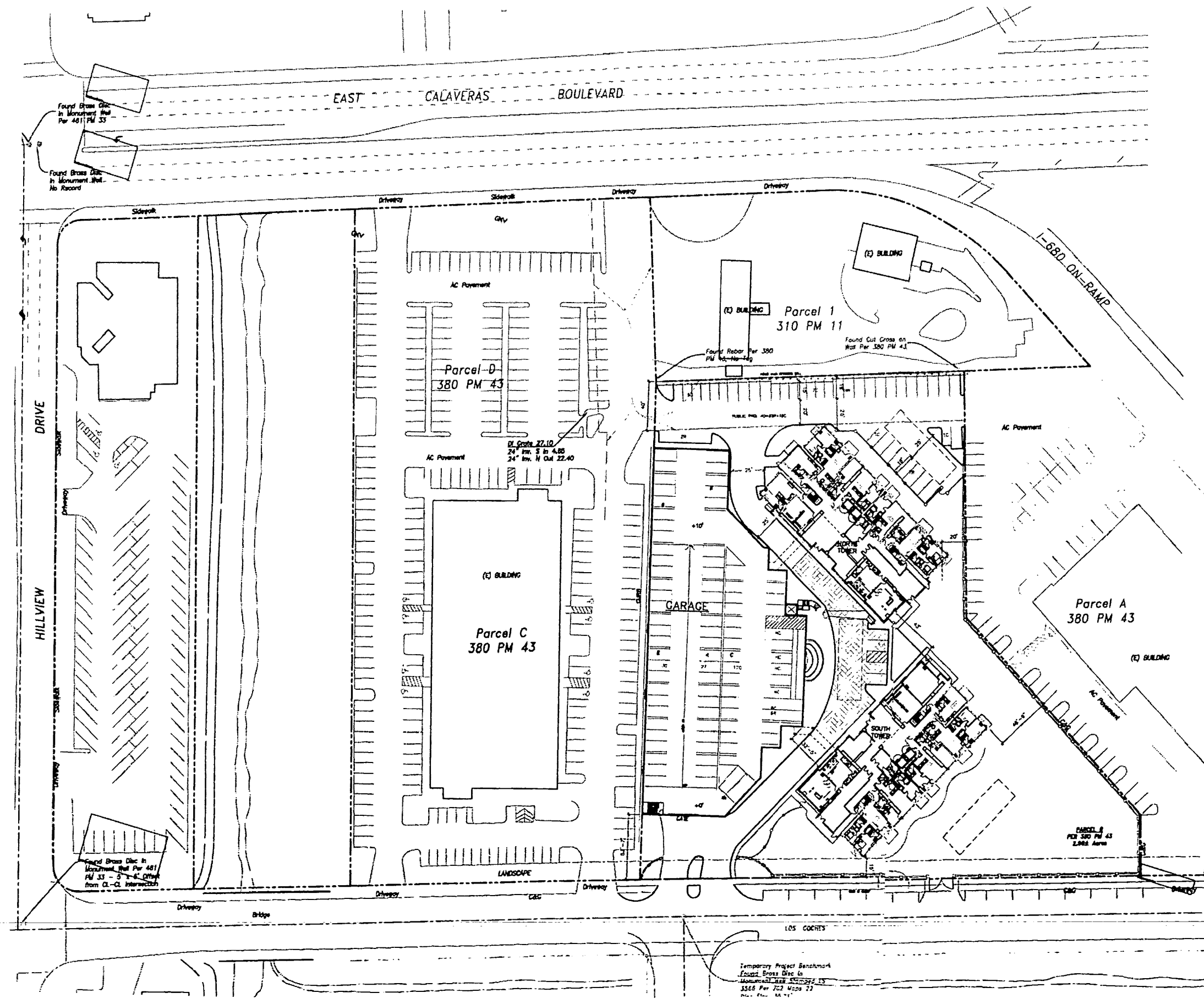
The proposed project site is a commercial property (formerly Minton's Lumber) located at 905 Los Coches Street in the City of Milpitas. The 2.95-acre property is bounded by a two-story Kaiser Permanente medical office building to the west, a gas station and car wash to the north, a one-story building that houses Cal Skate of Milpitas to the east, and Los Coches Street to the south. On the south side of Los Coches Street are the Arroyo De Los Coches drainage and the Sinclair Horizons housing development, which is comprised of 98 single-family houses. The housing development is an enclosed community accessed by a single drive that is directly across the street from one of the driveways for the proposed project.

The project site is currently developed with a 25,710-square foot warehouse type building that is occupied by a window retailer and a paved parking lot. The site shares access from Calaveras Boulevard with the adjacent Kaiser Medical Center.

The project proposes to remove the existing building and associated structures and construct two residential condominium towers, one 12 stories tall (north tower) and one 10 stories tall (south tower), that will have a combined total of 180 dwelling units (three studio units, 22 one-bedroom units, 127 two-bedroom units, and 28 three-bedroom units). In addition, the project proposes a four-story parking structure on the western edge of the site. The parking structure will have approximately 379 parking stalls and an additional 44 surface parking spaces will be located along the northern boundary of the site. Additional peak demand parking will be permitted on the adjacent Kaiser property through a reciprocal parking agreement between Kaiser and the subject property. See Figure 3 for a site plan of the proposed project.

The project will be built in two phases. Phase one construction will consist of one of the proposed towers and the parking structure. Phase Two construction will consist of the remaining tower.

The project site is currently designated *Highway Services* under the General Plan and is zoned *HS* (Highway Service District). The project proposes a General Plan amendment to change the land use designation to *Multi-family Very High Density Residential (MFVHD)* and a rezoning to R-4.



SITE PLAN

FIGURE 3

## IV. ENVIRONMENTAL SETTING & CHECKLIST

This section identifies the impacts which might result from the proposed project, explains the answers to checklist questions, and addresses mitigation measures that are proposed to reduce or avoid significant impacts.

### A. AESTHETICS

#### 1. Setting

The proposed project site is currently developed with a single-story warehouse type commercial building and a paved parking lot (see Photos 1 and 2). A two-story Kaiser Permanente medical office building surrounded by a surface parking lot and extensive landscaping is located to the west (see Photo 4). A gas station with an attached car wash is located north of the project site. The gas station is located on the Calaveras Boulevard street frontage. Directly across Calaveras Boulevard from the gas station is the 10-story Embassy Suites hotel made of pick stucco (see Photo 7). A one-story windowless commercial building is located east of the project site (see Photo 3). Just east of this structure is Interstate 680. Los Coches Street, which is a two-lane roadway, is located south of the project site. On the south side of Los Coches Street are the Arroyo De Los Coches drainage ditch and the Sinclair Horizon housing development. The housing development is an enclosed community accessed by a single drive that is directly across the street from one of the proposed project driveways. The housing development is comprised of two-story single-family wood frame houses on small lots. The stucco wall that surrounds the neighborhood is approximately 10-feet tall (see Photos 5 and 6).

#### 2. Environmental Checklist and Discussion

AESTHETICS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2

#### 3. Conclusion

It is assumed, based on the size and scale of existing development in the project area and the visual character of the project area, that construction of two high rise residential towers (12-



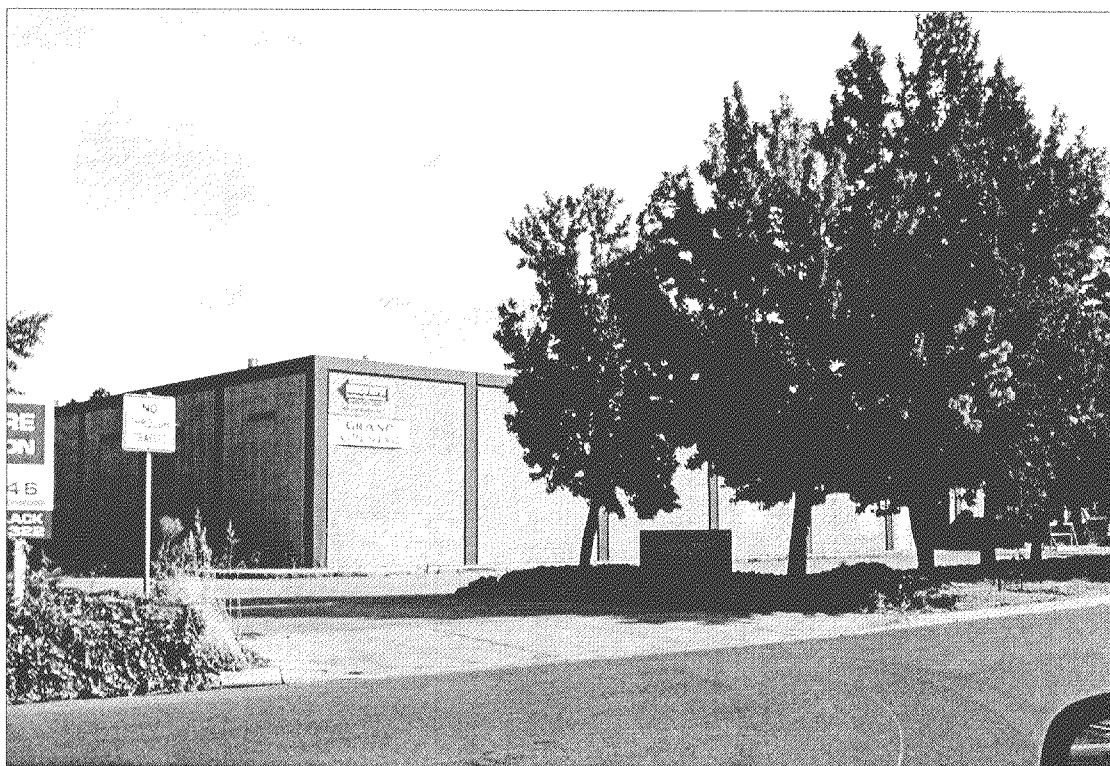


Photo 1 - View of the project site, looking north across Los Coches Street.



Photo 2 - View of the project site, looking north across Los Coches Street.



Photo 3 - View of Cal Skate building, looking east from the project site.



Photo 4 - View of the Kaiser Medical Office, looking southwest from the project site.

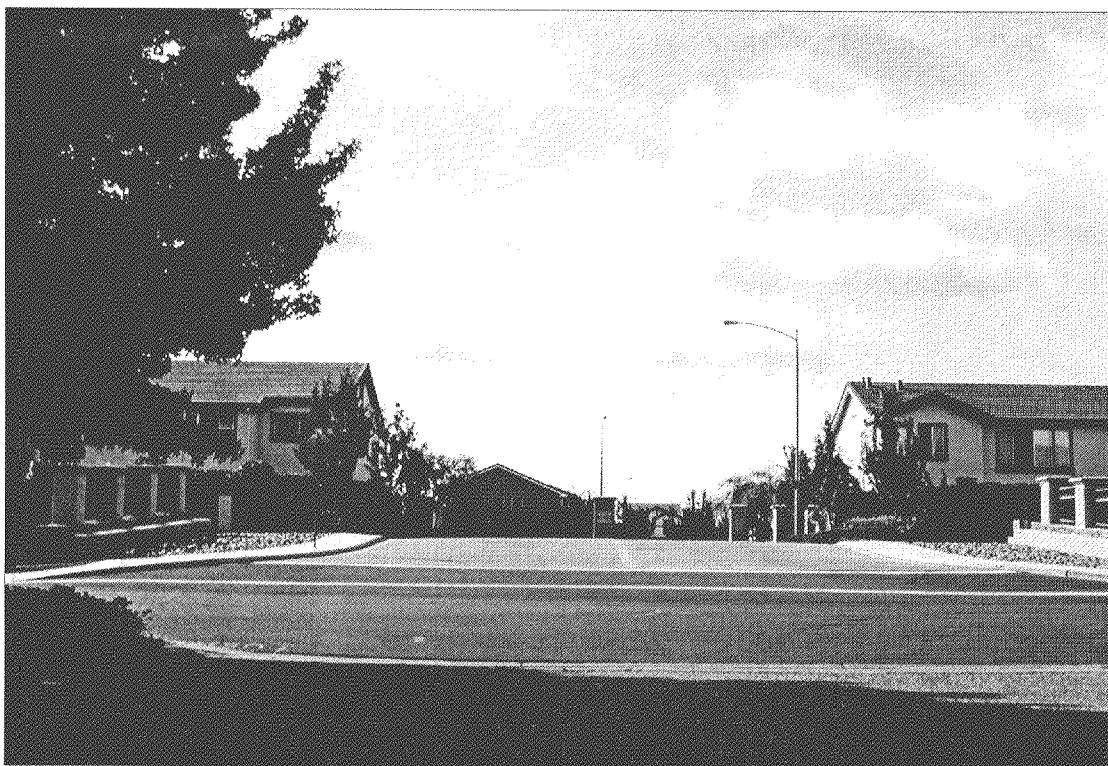


Photo 5 - View of the driveway to the residential neighborhood, looking south from the driveway of the project site.

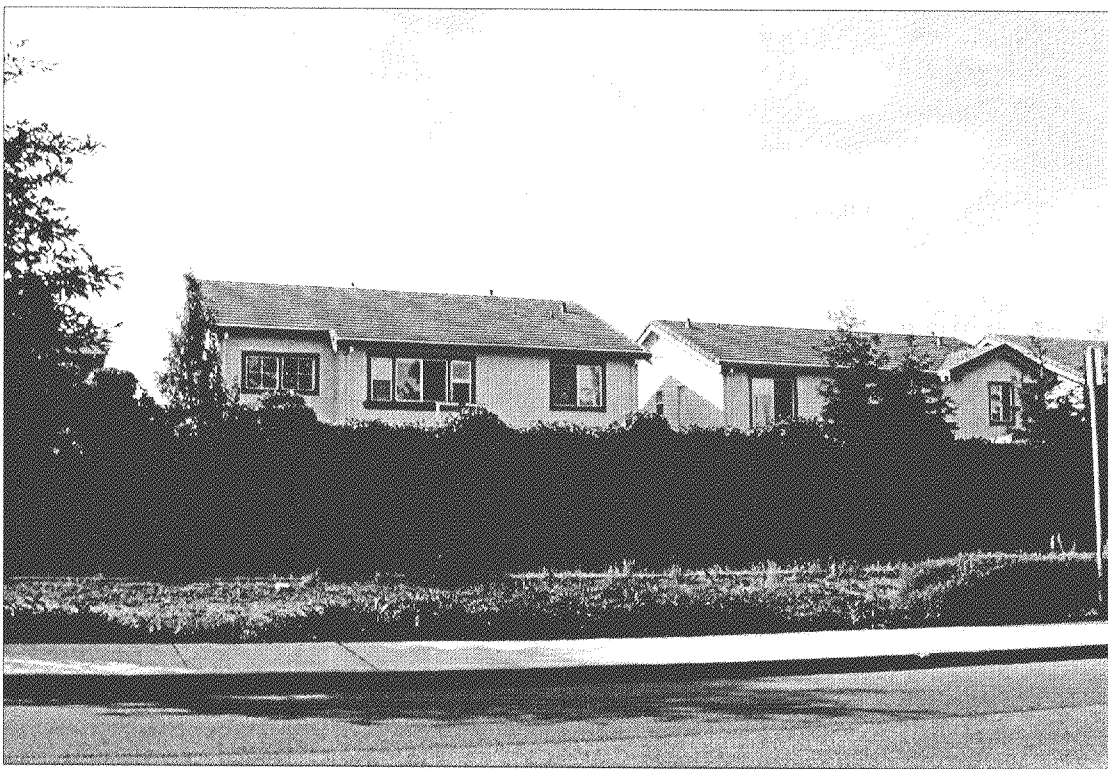


Photo 6 - View of the residential neighborhood, looking south from the project site.





Photo 7 - View of the Embassy Suites Hotel, looking north across Calaveras Boulevard.

storys and 10-storys) could result in a significant visual change that may create an aesthetic impact on the project area, especially to the residential neighborhood on the south side of Los Coches Drive. In addition, the project could increase the amount of light and glare in the project area, affecting drivers on Interstate 680 and residents in the adjacent neighborhood. The proposed project will not, however, have a substantial adverse effect on any scenic vista or substantially damage scenic resources along a state scenic highway.

The focused EIR will evaluate the visual impacts of the proposed project on adjacent land uses based on photo simulations of the project area and a lighting analysis. No further discussion of visual and aesthetic impacts will be provided in this Initial Study.

## B. AGRICULTURAL RESOURCES

### 1. Setting

The project site is currently developed with a 19,500-square foot warehouse type commercial building and a paved parking lot, is not used for agricultural purposes, and is located within the highly urbanized area of Milpitas that contains a mixture of commercial, office, hotel, and residential land uses. The site is not designated by the California Resources Agency as Farmland of any type, and is not the subject of a Williamson Act contract. There is no property used for agricultural purposes adjacent to the project site.

### 2. Environmental Checklist and Discussion

AGRICULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
3) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

**Discussion:** The project site is located within an urbanized area that contains a mixture of commercial, office, hotel, and residential land uses. Agricultural land uses do not exist on or adjacent to the project site. In addition, the site is not designated by the California Resources Agency as Farmland of any type, and is not the subject of a Williamson Act contract.

### 3. Conclusion

The project would have no adverse impact on agricultural land or agricultural activities.

## C. AIR QUALITY

### 1. Setting

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunlight.

The Bay Area typically has moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution. These factors give the Bay Area a relatively high atmospheric potential for pollution.

The Bay Area Air Quality Management District (BAAQMD) monitors air quality at several locations within the San Francisco Bay Air Basin. The monitoring site closest to the project site is Fremont. Exceedences of state and federal standards at the Fremont monitoring station during 2003 included ozone levels above the established thresholds. Violations of the carbon monoxide standard were recorded prior to 1992.

The two pollutants known to exceed the state standards in the Bay Area, ozone and PM<sub>10</sub>, are both considered regional pollutants because the concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Carbon monoxide is considered a local pollutant because elevated concentrations are usually only found near the source.

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where federal or state ambient air quality standards are not met as "nonattainable areas." Because of the differences between the national and state standards, the designation of "nonattainment areas" is different under the federal and state legislation. Under the California Clean Air Act, Santa Clara County is a nonattainment area for ozone and PM<sub>10</sub>. The County is designated as in compliance with federal standards for ozone and PM<sub>10</sub>, and is in compliance or unclassified for other pollutants under both the federal and state Clean Air Act.

### 2. Environmental Checklist and Discussion

AIR QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,5
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,5

AIR QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,5
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,5
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,5

## Discussion:

### *Project Impacts*

Implementation of the proposed project would increase the number of dwelling units within the City of Milpitas. An increase in dwelling units typically results in an incremental increase in traffic, which results in an increase in local and regional pollutant levels. The project proposes to construct up to 181 residential units. The Bay Area Air Quality Management District (BAAQMD) does not identify a need to prepare project specific air quality impact analyses for projects proposing less than 520 apartments/condominiums.

For projects that do not meet the project specific analysis threshold, BAAQMD has developed a methodology for manually calculating air pollutants associated with land use development. Based on this methodology, the proposed project could generate approximately 10 lbs/day of reactive organic gases, 20.5 lbs/day of nitrogen oxides, and 139.5 lbs/day of carbon monoxide. The established BAAQMD thresholds of significance for these pollutants are 80 lbs/day for reactive organic gases and nitrogen oxides, and 550 lbs/day for carbon monoxide. Therefore, air quality impacts from the proposed project would not exceed the BAAQMD thresholds of significance and the project will have less than significant air quality impacts.

### *Construction Impacts*

Construction related activities will include demolition of the existing building, as well as excavation for the parking structure and construction of the proposed buildings. As a result, improvements made to the project site will generate dust and other particulate matter. Because of the proximity of sensitive receptors dust control measures recommended by BAAQMD will be incorporated into the project.

**Impact:** Construction of the proposed project would result in short-term air quality impacts associated with dust generation.



**Mitigation:** BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a less-than-significant level. The following mitigation would be implemented during all phases of construction on the project site:

- Water all active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover all trucks hauling soil, sand, gravel and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at the construction site to control dust.
- Sweep public streets daily or as often as needed to keep streets free of visible soil material.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Replant vegetation in disturbed areas as quickly as possible.

### **3. Conclusion**

Implementation of the proposed mitigation will reduce short-term air quality impacts associated with construction to a less than significant level.

## D. BIOLOGICAL RESOURCES

The following discussion reflects a tree survey prepared by *Saratoga Tree Service* in July 2004. A copy of the tree survey can be found in Appendix A of this report.

### 1. Setting

#### Wildlife

The project site is located in a developed urban habitat. Urban habitats typically include street trees, landscaping, lawns and vacant lots, and provide food and shelter for wildlife able to adapt to the modified environment. Most of the vegetation in and around the project site consists of landscape trees and shrubs. Since the original native vegetation of the area is no longer present, native species of wildlife have been supplanted by species that are more compatible with an urbanized area. Because of the history of development on and adjacent to the site, no natural or sensitive habitats exist at this location that would support endangered, threatened, or special status wildlife species.

While the site is in an urbanized area, there are numerous large trees on-site that may provide perching or nesting habitat for raptors and other migratory birds. Due to the lack of natural habitat on the project site, no other wildlife impacts are discussed except for the loss of trees and impacts to raptors and their nests.

#### Trees

Mature trees (both native and non-native) are beneficial because they provide habitat for wildlife that can survive in an urban environment. A tree survey was conducted to document and evaluate the mature trees on the site. A list of all the trees surveyed is found in Table 1.

Within the boundaries of the project site, there are a total of 72 trees. Of the 72 trees surveyed, 57 are landscaping trees in the existing parking areas of the project site and 15 are street trees. Street trees are currently protected under the City of Milpitas Zoning Ordinance Section 201.2. In addition, the ordinance also protects all trees which measure 37 inches or greater in circumference (12 inches in diameter) at four feet six inches above the ground surface.

Trees located on the project site are a mixture of native and non-native species, in varying sizes and levels of health. Mature trees<sup>1</sup> are designated in bold. There are 33 mature trees on the project site. Of these 33 trees, 17 trees are native species. All of the native trees on the site are coast redwoods. A map showing the location of the trees is shown on Figure 4.

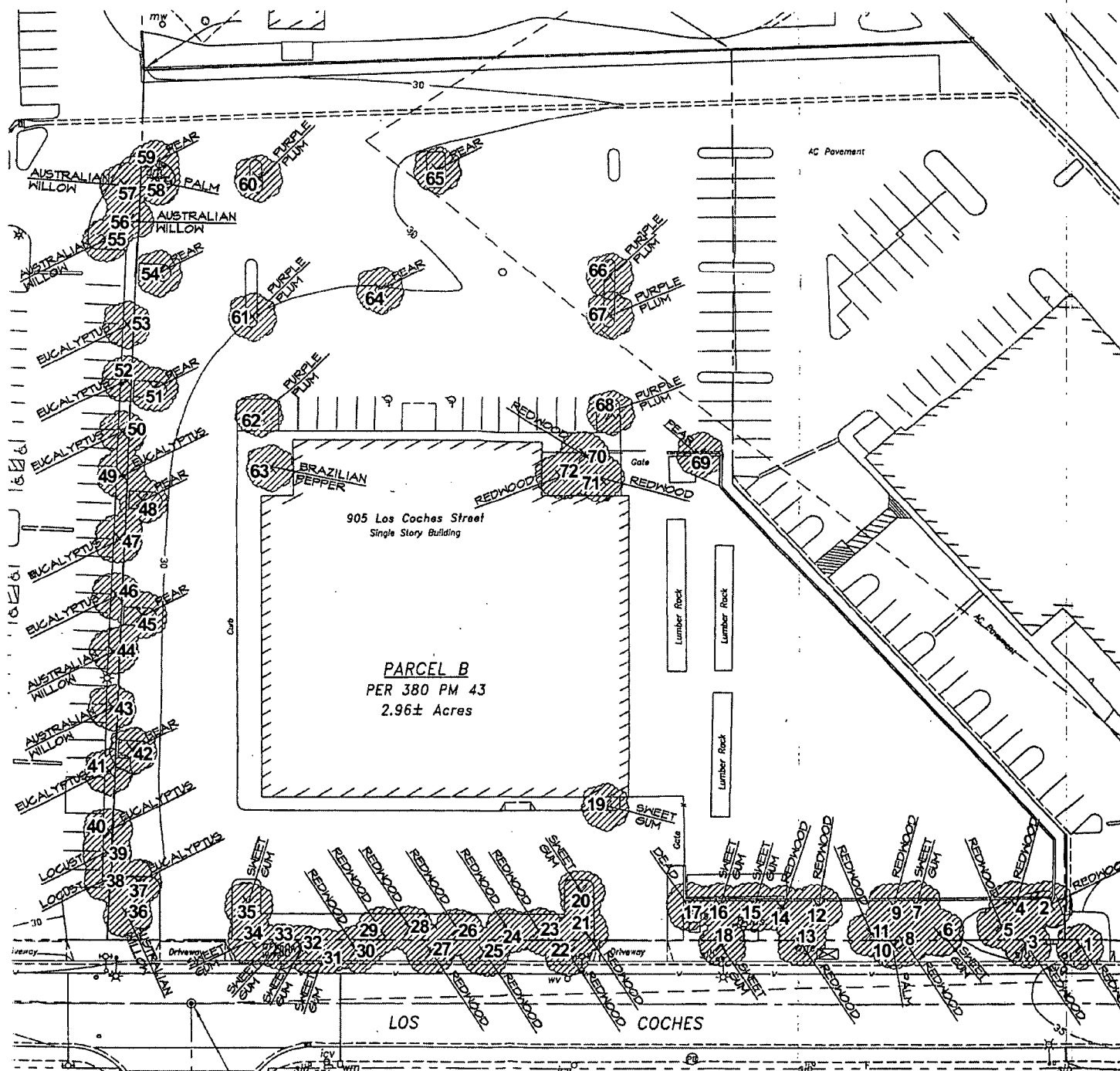
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<sup>1</sup> For this analysis, "mature" refers to trees that meet the City's protection threshold of 37-inches or greater in circumference at four feet six inches above the ground surface.

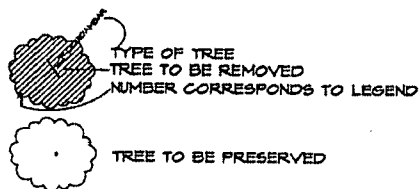
TABLE 1 Tree Survey			
Tree No.	Common Name	DBH <sup>2</sup>	Health
1	Coast Redwood	20	Fair
2	Coast Redwood	9	Good
3	Coast Redwood	8	DEAD
4	Coast Redwood	14	Fair to Good
5	Coast Redwood	14	Fair
6	Liquidamber	7	Good
7	Liquidamber	11	Good
8	Coast Redwood	12	Fair
9	Coast Redwood	14	Fair
10	Mexican fan Palm	12	Good
11	Coast Redwood	12	Fair
12	Coast Redwood	12	Fair
13	Coast Redwood	12	Fair
14	Coast Redwood	15	Fair
15	Liquidamber	9	Fair
16	California Sycamore	7	DEAD
17	Liquidamber	12	Good
18	Liquidamber	10	Good
19	Liquidamber	12	Fair
20	Coast Redwood	12	Fair
21	Coast Redwood	14	Poor
22	Coast Redwood	12	Poor
23	Coast Redwood	12	Poor
24	Coast Redwood	16	Good
25	Coast Redwood	11	Poor
26	Coast Redwood	11	Fair
27	Coast Redwood	11	Fair
28	Coast Redwood	13	Good
29	Coast Redwood	12	Good
30	Liquidamber	7	Good
31	Liquidamber	10	Good
32	Liquidamber	12	Good
33	Liquidamber	11	Fair
34	Liquidamber	9	Poor
35	European Olive	5	Fair
36	Red Ironbark Eucalyptus	19	Good
37	Black Locust	5	Fair
38	Black Locust	5	Fair
39	Red Ironbark Eucalyptus	18	Fair
40	Red Ironbark Eucalyptus	19	Good
41	Flowering Pear	7	Fair
42	Australian Willow	14	Fair
43	Australian Willow	12	Poor
44	Flowering Pear	6	Good
45	Red Ironbark Eucalyptus	18	Fair

<sup>2</sup> In inches

TABLE 1 <i>Continued</i> Tree Survey			
Tree No.	Common Name	DBH	Health
46	Red Ironbark Eucalyptus	16	Good
47	Flowering Pear	5	Fair
48	Red Ironbark Eucalyptus	18	Good
49	Red Ironbark Eucalyptus	22	Fair
50	Flowering Pear	8	Good
51	Red Ironbark Eucalyptus	18	Poor
52	Red Ironbark Eucalyptus	20	Good
53	Flowering Pear	6	Good
54	Australian Willow	11	Fair
55	Australian Willow	10	Poor
56	Australian Willow	11	Good
57	Mexican fan palm	20	Good
58	Flowering Pear	6	Fair
59	Purple Leaf Plum	6	Fair
60	Purple Leaf Plum	6	Poor
61	Purple Leaf Plum	11	Good
62	Mayten	10	Good
63	Flowering Pear	3	Fair
64	Flowering Pear	6	Poor
65	Purple Leaf Plum	9	Fair
66	Purple Leaf Plum	9	Fair
67	Purple Leaf Plum	9	Poor
68	Flowering Pear	10	Good
69	Coast Redwood	10	Good
70	Coast Redwood	7	Good
71	Coast Redwood	6	Good
72	Coast Redwood	12	Good



# **LEGEND**



TREE MAP

FIGURE 4

## 2. Environmental Checklist and Discussion

BIOLOGICAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,3
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

**Discussion:** The proposed project site is currently developed and paved. Vegetation on the project site consists of landscape trees and street trees. Because of the history of development on the site, no natural or sensitive habitats exist that would support endangered,

threatened, or special status wildlife species. As a result, no significant vegetation and wildlife impacts are anticipated to occur, except for the loss of mature trees and possible impacts to raptors and their nests.

### **Impacts to Nesting Raptors**

While the site is in an urbanized area, there are numerous large trees on-site that may provide perching or nesting habitat for raptors, such as falcons, hawks, eagles, and owls. Nesting raptors are protected under provisions of the Migratory Bird Treaty Act and California Department of Fish and Game (CDFG) Code Sections 3503, 3503.5, and 2800. Demolition and construction disturbance near raptor nests can result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFG. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

**Impact:** If breeding raptors are present, demolition and construction activities during the nesting season may result in the disturbance or destruction of nearby breeding raptors or their nests.

**Mitigation:** The following mitigation measure is included as part of the project to reduce the loss of raptors on the project site:

- Preconstruction surveys for nesting raptors would be conducted between September and January by a qualified ornithologist or wildlife biologist to ensure that no raptor nests will be disturbed during demolition and construction activities. The survey shall be conducted no more than 14 days prior to initiation of demolition/construction activities during the early part of the breeding season (January to April) and no more than 30 days prior to initiation of these activities during the late part of the breeding season (May to August). During the survey, the ornithologist/biologist will inspect all trees for raptor nests. If an active raptor nest is found close enough to the demolition/construction area to be disturbed, the ornithologist/biologist (in consultation with the California Department of Fish and Game) will determine the extent of a construction-free buffer zone to be established around the nest. The project will maintain the buffer zone, allowing no intrusion or impacts to the tree(s), until after the young have fledged and are functioning independently of the nest.

### **Impacts to Mature Trees**

The project proposes to remove all existing trees on the project site and plant new landscaping around the proposed residential buildings. There are currently 39 trees on the project site that are protected under the City of Milpitas Zoning Ordinance. The loss of 39 protected trees would be a significant impact.

**Impact:** Implementation of the proposed project will result in the loss of 39 trees protected by the City of Milpitas Zoning Ordinance.

**Mitigation:** The following mitigation measure is included in the proposed project to reduce the impact of the loss of protected trees.

- In conformance with the City of Milpitas Zoning Ordinance, all trees removed from the site that measures 37-inches or greater in circumference (12-inches in diameter) at four

feet six inches above the ground surface will be replaced in-kind (with the same species) at a 3:1 ratio within the project site.

- If there is not sufficient space on the project site to accommodate the 117 trees, the project will plant as many of the required mitigation trees as possible on-site. Trees that are removed but cannot be mitigated for on-site, due to lack of available planting area, will be mitigated by fees paid to the City. Reimbursement to the City for the value of the tree(s) removed will be determined by an arborist certified by the International Society of Arboriculture utilizing the current edition of the "Guide for Plant Appraisal, International Society of Arboriculture". The funds will be deposited in the City's Tree Replacement Fund and will be used to plant trees within the City of Milpitas.

### **3. Conclusion**

Implementation of the proposed mitigation measures will reduce the biological impacts of the project to less than significant.



## E. CULTURAL RESOURCES

### 1. Setting

#### Site History

The City of Milpitas is located in an area that was once part of the home territory for the Tamyen triblet of the Costanoan Indians. Like other Coastanoan groups, the Tamyen maintained a few year-round village sites but also visited various temporary camps during different seasons to hunt and gather food as it became available. Two notable Coastanoan village sites lie within the City limits. A shellmound dating back to the 18<sup>th</sup> Century is located near Elmwood Rehabilitation Center and the Alviso Adobe near the corner of Calaveras Boulevard and Piedmont Road is believed to be 3,000 years old.

During the historic period, in 1769, the City of Milpitas was included in the route of the Gaspar de Portola expedition. The area was also a stopover point on the immigrant trail between Sutter's Fort and San José during the 1800s. There are no recorded archaeological sites on or near the proposed project site.

#### Historic Resources

The first structures built in Milpitas were adobe houses located along the foothills east of the City and along both sides of Calaveras Road between Main Street and the foothills. During the mid- to late-1800s many of the structures built were frame farmhouses. Other structures included saloons, blacksmiths, hotels, general stores, and lumber yards.

Milpitas saw little change until 1953, when the Ford Motor Plant was built at the south end of the City. Within the next 20 years, virtually all of the older buildings in the center of the City were demolished. However, the two corridors along the eastern foothills and the western highway remained fairly intact.

Currently, there are 13 sites officially designated as Cultural Resources and six sites have been identified as prime candidates for preservation. None of the designated sites or candidate sites is located on or adjacent to the project site. The existing building on the project site was constructed in 1976 and is not considered a historic resource.

### 2. Environmental Checklist and Discussion

CULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2

CULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2

There are currently two designated archaeological sites and 13 designated historic sites within the City of Milpitas. None of these sites are located on or adjacent to the proposed project site. The City, however, has a history of occupation dating back to prehistory by the Coastanoan Indians. Due to the City's continued and varied occupation through the prehistoric and historic period, it can be assumed that there are unknown buried artifacts within the City. Due to previous development on the project site, the extent and condition of any possible finds cannot be known at this time. Nevertheless, it must be assumed that excavation of the project site may uncover unknown buried artifacts and/or human remains.

**Impact:** Construction of the proposed project could result in impacts to unknown buried archaeological resources.

**Mitigation:** The following measures have been included to reduce potential cultural resources impacts:

- A qualified archaeologist will be on site to monitor the initial excavation of native soil once all pavement and engineered soil is removed from the project site. After monitoring the initial excavation, the archaeologist will make recommendations for further monitoring if it is determined that the site has cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required.
- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-meter radius of the find will be stopped, the Director of Planning will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of the Planning Department.
- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

### **3. Conclusion**

Implementation of the proposed mitigation measures will reduce the cultural resources impacts of the project to a less than significant level.

## **F. GEOLOGY AND SOILS**

The following information is based on the City of Milpitas General Plan and the U.S. Department of Agriculture's *Soils of Santa Clara County*.

### **1. Setting**

#### **Geology and Soils**

The project site is located in the Santa Clara Valley, a relatively flat alluvial basin, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and San Francisco Bay to the north. In Milpitas, the soil is comprised of clay soils that contain groundwater at shallow depths (less than 25 feet). The subsurface conditions make the project area subject to high shrink/swell<sup>3</sup> potential<sup>4</sup>. These soil conditions may present geotechnical constraints to foundation design and construction.

#### **Seismicity and Seismic Hazards**

The project site is located within the seismically active San Francisco Bay Region. The Uniform Building Code designates the entire South Bay as Seismic Activity Zone 4, the most seismically active zone in the United States. The faults in the region are capable of generating earthquakes of magnitude 7.0 or higher. Active faults that could affect the project area include the San Andreas Fault located approximately 18 miles west of the site, the Calaveras Fault located approximately four miles east of the site, and the Hayward Fault located approximately three miles east of the site. Due to the close proximity of three active faults, it is expected that earthquakes could produce very strong ground shaking in the vicinity of the project site during the life of the proposed project. In addition, strong ground shaking in areas with weak soil and high groundwater are prone to liquefaction. The project area has a moderate to high liquefaction potential<sup>5</sup>.

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<sup>3</sup> Soils with shrink/swell potential swell when wet and shrink when drying.

<sup>4</sup> U.S. Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, August 15, 1968.

<sup>5</sup> U.S. Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, August 15, 1968.

## 2. Environmental Checklist and Discussion

GEOLOGY AND SOILS						Information Source(s)
Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact		
Would the project:						
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,3
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)						
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,3
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,3
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3

### Discussion:

#### *Project Impacts*

The project site is not located within a known active fault zone and, as a result, fault rupture through the site is not anticipated. The Bay Area is, however, designated as Seismic Zone 4, the most seismically active zone in the United States. The close proximity of three active

faults could result in strong ground shaking during the life of the project. Due to the potential for strong ground shaking and the depth to groundwater, the site could also experience liquefaction of the soil. The soil on the project site also has the potential to shrink and swell based on its water content.

Berryessa Creek is located approximately 350 feet west of the project site. However, due to the clay content of the soil, lateral spreading is unlikely to occur on the site.

Geologic conditions on the project site will require that the proposed structures be designed and built in conformance with the requirements of the Uniform Building Code for Seismic Zone 4. The potential for geologic and soils impacts resulting from conditions on the site can be mitigated by utilizing standard engineering and construction techniques. With incorporation of these measures, the project will not expose people or property to significant impacts associated with the geologic conditions of the site.

### *Construction Impacts*

Even though the site is relatively flat, removal of the existing buildings and pavement, and grading of the site would expose soils and increase the potential for erosion and sedimentation in runoff.

**Impact:** Implementation of the proposed project would result in increased erosion and loss of top soil until the project is constructed and new vegetation is established.

**Mitigation:** The following measures are included in the project to reduce potential construction-related erosion impacts:

- All excavation and grading work will be scheduled in dry weather months or construction sites will be weatherized to withstand or avoid erosion.
- Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.
- Vegetation in disturbed areas will be replanted as quickly as possible.
- Ditches will be installed, if necessary, to divert runoff around excavations and graded areas.

Additional mitigation measures, listed in Section IV.H, *Hydrology and Water Quality*, will also reduce potential construction-related erosion impacts.

### **3. Conclusion**

Implementation of the proposed mitigation measures will reduce potential erosion impacts to a less than significant level. The project would not expose people or structures to adverse seismic risk.

## G. HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I Environmental Site Assessment prepared by *SECOR International, Inc.* in December, 1997. A copy of this report can be found in Appendix B of the EIR.

### 1. Setting

The project site is located in an area developed with commercial, industrial, and residential buildings. The existing building on site was developed in 1976. Prior to construction, the project site and the surrounding area were developed as agricultural land. Aerial photographs from 1977 show the land south of Los Coches Street (currently a residential neighborhood) as being developed with the Cook Paint & Varnish facility. The gas station also appears to have been constructed by this time; however, the Kaiser buildings were not.

Two of the adjacent land uses mentioned above, Cook Paint & Varnish and the gas station, have been reported on one or more local, state or federal hazardous materials databases. Cook Paint & Varnish was a large quantity generator of hazardous materials. Two compliance violations were reported for this facility while it was in operation. Both violations were reported corrected and the facility was brought into compliance with all applicable regulations.

The gas station is also a large quantity generator and has been identified as a Leaking Underground Storage Tank (LUST) facility. This site was reported as having an unauthorized release of gasoline in 1985.

The building currently located on the project site was constructed in 1976. Based on the age of the building, it is reasonable to expect that the building could contain asbestos containing materials (ACMs). Suspect ACMs could include floor tiles, acoustical ceiling panels, wallboard, and roofing materials.

### 2. Environmental Checklist and Discussion

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,8
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,8
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,8

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,8
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2

### 3. Conclusion

It is assumed, based on current and previous land uses within the project area, that the project site may have contaminated soil and/or groundwater. In addition, the building may contain asbestos containing materials. The focused EIR will evaluate the hazardous materials impacts from the project and to the project from adjacent land uses based on a hazardous materials investigation of the project area and the project site. No further analysis will be presented in this Initial Study.



## **H. HYDROLOGY AND WATER QUALITY**

### **1. Setting**

#### **Flooding**

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, the project site is within Zone X. Flood Zone X is defined as areas of a 500-year flood, or areas of a 100-year flood with average depths of less than one foot or with drainage areas of less than one square mile.

#### **Storm Drainage System**

The City of Milpitas owns and maintains the storm drainage system which serves the project site. The lines that serve the project site drain into Berryessa Creek. Berryessa Creek flows north into Lower Penitencia Creek, which flows into Coyote Creek. Coyote Creek carries the runoff into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

The project site and the adjacent Cal Skate facility currently drain into a gutter along the north property line, which drains into an inlet on the adjacent Kaiser property. There is a 21-inch storm line that serves the Kaiser site. Drainage flows from the three sites have been estimated to be approximately 8.5 cubic feet per second (cfs). The existing 21-inch line has a capacity of approximately 16 cfs.

#### **Water Quality**

The water quality of Berryessa Creek is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes. Currently, Berryessa Creek is not listed on the California 303(d) list and the Total Maximum Daily Load (TMDL) high priority schedule.

Under existing conditions, most of the project site is covered with impermeable surfaces. The impermeable surfaces include a building, a surface parking lot, and sidewalks. Runoff from the site may currently contain sediments, oils, metals and debris.

The Santa Clara Valley Urban Runoff Pollution Prevention Project was developed in accordance with the requirements of the revised 1995 San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban storm water runoff. The State Water Resources Control Board (SWRCB) also administers the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities, which is intended to reduce construction-related stormwater pollution.

The SWRCB NPDES General Permit for Construction Activities requires Stormwater Pollution Prevention Plans (SWPPPs) to control discharge associated with construction activities for sites one acre or larger. Development on such sites is required to submit a Notice of Intent (NOI) to the SWRCB and prepare a SWPPP prior to construction.

The City of Milpitas is a co-permittee to the Santa Clara Valley Urban Runoff Pollution Prevention Program's NPDES permit for municipal storm water discharges, issued by the Regional Water Quality Control Board (RWQCB). The NPDES permit includes

requirements for water quality monitoring, identification and elimination of illicit connections and illegal dumping to the storm drainage system, increases to the municipal storm drainage system and street cleaning and public education programs.

### Groundwater

Depth to groundwater at the project site is anticipated to be 10 to 15 feet below the ground surface. The project site is almost 100 percent covered in impermeable surfaces and does not presently contribute to recharge of the groundwater aquifers. The City of Milpitas does not rely on groundwater for domestic water needs.

## 2. Environmental Checklist and Discussion

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,4
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,4
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

#### Discussion:

#### Flooding Impacts

The proposed project site is not within a 100-year flood hazard plain. Implementation of the proposed project will not place people and residential structures at risk from flooding.

#### Water Quality Impacts

##### *Construction Impacts*

Removal of the existing buildings and pavement, excavation, and leveling of the site would expose soils and increase the potential for erosion and sedimentation until paving and planting are completed. Once construction is complete and all disturbed soil surfaces have been planted, there will not be an increase in erosion on site or sedimentation in the Guadalupe River.

**Impact:** Construction activities will result in increased erosion and sedimentation which could cause the degradation of water quality within Berryessa Creek.

##### *Operational Impacts*

Implementation of the proposed project will not result in an increase in impermeable surfaces on the project site. As a result, runoff from the site will not increase as a result of the proposed project. Also, the substantially increased level of activity on the site, including maintenance of landscaping will increase the levels of urban pollutants entering surface runoff, including fluids and heavy metals from cars and chemicals used for landscape maintenance. However, Provision C.3 of the Santa Clara Valley Urban Runoff Pollution Prevention Program's NPDES permit requires a reduction the overall pollutant levels from runoff from new development projects.

**Impact:** Operation of the proposed project will result in pollutants flowing into Berryessa Creek from the project site.

**Mitigation:** The following measures, based on Regional Water Quality Control Board Best Management Practices, have been included in the project to reduce construction-related and post-construction water quality impacts:

- Burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities would be suspended during periods of high winds.
- All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
- All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers).
- Vegetation in disturbed areas would be replanted as quickly as possible.
- Storm Water Permit will be administered by the Regional Water Quality Control Board. Prior to construction grading for the proposed land uses, the applicant will file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. The following measures would be included in the SWPPP:
  - Preclude non-stormwater discharges to the storm water system.
  - Effective, site-specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
  - Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.
  - Perform monitoring of discharges to the storm water system.
- The project will submit a copy of the draft SWPPP to the City of Milpitas for review and approval prior to construction of the project site. The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.
- When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the Regional Water Quality Control Board and

the City of Milpitas. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction storm water management plan is in place as described in the SWPPP for the site.

- As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project will implement regular maintenance activities (i.e., sweeping, maintaining vegetative swales, litter control, and other activities as specified by the City) at the site to prevent soil, grease, and litter from accumulating on the project site and contaminating surface runoff. Storm water catch basins will be stenciled to discourage illegal dumping.
- In compliance with Section XI-16-6 of the Milpitas Municipal Code, the project shall include Permanent Stormwater Pollution Prevention Measures in order to reduce water quality impacts of urban runoff from the entire project site for the life of the project. These measures may include:
  - Landscape designs for stormwater treatment that meets the requirements of Provision C.3. of the City's NPDES permit will be submitted with the Site Development Plans and must be approved by the Planning Department prior to issuance of building permits. The landscape design should include, but is not limited to, bio-swales within the open space areas of the project and landscape islands in the parking lots that collect runoff.
  - Due to the limited area available for landscape stormwater treatment, mechanical separators will be installed in all stormwater drains serving the project site. The separators will be located downstream of the inlets (on-site) and upstream of the connection to the public storm drainage system.

### **3. Conclusion**

With implementation of the mitigation measures listed above, the project will result in less than significant impacts on flood hazards and storm water quality. The project will not deplete the groundwater supply or significantly increase storm water runoff.

## I. LAND USE

### 1. Setting

The proposed project site is currently developed with a single-story warehouse type commercial building and a paved parking lot. A two-story Kaiser Permanente medical office building surrounded by a surface lot and extensive landscaping is located to the west. A gas station with an attached car wash is located to the north of the project site. The gas station is located on the Calaveras Boulevard street frontage. Directly across Calaveras Boulevard from the gas station is the 10-story Embassy Suites hotel. A one-story windowless commercial building (Cal Skate) is located east of the project site. Just east of this structure is Interstate 680.

Los Coches Street, which is a two-lane roadway, is located south of the project site. On the south side of Los Coches Street is the Arroyo De Los Coches drainage ditch and the Sinclair Horizon housing development. The housing development is an enclosed community accessed by a single driveway that is directly across the street from one of the driveways serving the proposed project. The housing development is comprised of two-story single-family wood frame houses on small lots. The stucco wall that surrounds the neighborhood is approximately 10-feet tall. South of Los Coches Street, on the west side of Berryessa Creek, are several small attached commercial offices. On the west side of South Hillview Street are additional Kaiser medical offices, a community center, and several industrial buildings.

The project site is designated *Highway Services* by the City of Milpitas's General Plan and is zoned *HS* (Highway Service District).

### 2. Environmental Checklist and Discussion

LAND USE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

### **3. Conclusion**

The proposed project would construct two high-rise residential towers and a detached parking structure, which is not consistent with the current zoning and General Plan designation of the site. The proposed project will not physically divide an established community and will not conflict with any applicable habitat or natural community conservation plan.

The issue of land use compatibility of the project with relevant land use plans and policies and surrounding land uses will be addressed in the focused Environmental Impact Report prepared for the project.

## J. MINERAL RESOURCES

### 1. Setting

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mt. Hamilton-Diablo Range were exposed by continued tectonic uplift and regression of the island sea that had previously inundated this area. As a result of this process, the topography of the City of Milpitas in this area is relatively flat and there are no significant mineral resources. Today the Guadalupe River and Coyote Creek are major drainages that continue to deposit sediments into the southern San Francisco Bay from the Santa Cruz Mountains and the Mt. Hamilton-Diablo Range respectively.

### 2. Environmental Checklist and Discussion

MINERAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

**Discussion:** The proposed project site is within a developed urban area and it does not contain any known or designated mineral resources.

### 3. Conclusion

The project would not result in a significant impact from the loss of availability of a known mineral resource.



## K. NOISE

### 1. Setting

The project site is located on the block bounded by Calaveras Boulevard, Interstate 680, Los Coches Street, and S. Hillview Street in the City of Milpitas. This block is in close proximity to Interstate 680, which is a major transportation route in the south Bay Area. Calaveras Boulevard is a key thoroughfare in the center of Milpitas that carries high volumes of traffic daily.

### 2. Environmental Checklist and Discussion

NOISE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project result in:						
1) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

### **3. Conclusion**

It is assumed, based on the existing land uses around the project site, that current ambient noise levels could result in significant noise impacts to the proposed residential development. In addition, pile driving may be required during construction of the project. As a result, a detailed noise analysis is required. The focused EIR will evaluate the noise impacts to the project resulting from the project's proximity to Interstate 680 and Calaveras Boulevard and noise impacts from the project (both short term construction noise and long term noise from increased traffic) on adjacent land uses. No further analysis of noise impacts will be provided in this Initial Study.

## L. POPULATION AND HOUSING

### 1. Setting

According to the Association of Bay Area Governments (ABAG) *Projections 2003*, the population for 2000 within the City of Milpitas's Sphere of Influence was 62,810 in 17,167 households. For 2020, the projected population is 85,600 in 23,890 households. The average number of persons per household in Milpitas in 2000 was 3.47, an average which is projected to decrease slightly to 3.44 by the year 2020.

The City of Milpitas is a job-rich city, and one of the fastest growing employment centers in Santa Clara County. Although Milpitas had a deficiency of jobs per employed resident in 1980, the City achieved a ratio of 1.34 jobs per employed resident in the year 2000. Despite this increase in jobs, only 21% of the workers in Milpitas actually live in the City.<sup>6</sup>

Currently there are no residential structures on the project site. The site is bordered by the Sinclair Housing development to the south, and commercial, industrial and office uses on the north, east and west.

### 2. Environmental Checklist and Discussion

POPULATION AND HOUSING						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

**Discussion:** The proposed project would construct 181 residential condominium units on the 2.95 acre site. Based on the 2000 Census data, the average household size for owner-occupied housing units in Milpitas was 3.47 residents per unit. Therefore, the proposed project is expected to provide housing for approximately 628 residents, at a density of 61 dwelling units/net acre and 56 dwelling units/gross acre.

Despite a potential increase of more than 600 residents, the proposed project would add to the City's population by less than one percent. This increase represents an incremental portion

<sup>6</sup> Milpitas General Plan, Land Use Element, 2.3. March 19, 2002.

of the 85,600 possible residents in Milpitas predicted by the year 2020 in the report *Projections 2003*.

The proposed project would create additional residential development and will incrementally improve the jobs/housing balance in the City. Providing housing for more of the City's workers will help to ease overall traffic congestion, commute times, and regional air pollution levels. The population increase from the proposal represents a less than significant impact.

Since the project site has not been used for residential purposes in the past, the proposed project will not displace existing housing or people.

### **3. Conclusion**

Implementation of the proposed project will have a less than significant impact on population and housing.

## **M. PUBLIC SERVICES**

### **1. Setting**

#### **Fire Service**

Fire protection on the project site is provided by the City of Milpitas Fire Department, which has four fire stations and an administration facility. The Milpitas Fire Department (MFD) is responsible for emergency medical services, rescue services, hazardous and toxic materials emergency response, coordination of City-wide disaster response efforts, enforcement of fire and life safety codes, enforcement of state and federal hazardous materials regulations, and investigation of fire cause, arson and other emergency events for cause and origin.

The closest fire station to the site is Station No. 2, located at 1263 Yosemite Drive, approximately 0.9 miles southeast of the site on the east side of Interstate 680. Station No. 2 is typically staffed with three to four personnel. The station is equipped with an engine company and a brush patrol (4-wheel drive unit.)

Fire Station No. 1 is located at 25 West Curtis Ave., and the Fire Department's headquarters is located next to this station at 777 South Main Street, approximately two miles from the project site. Fire Station No. 3 is located at 45 Midwick Drive, also two miles from the site.

The emergency response time goal of the Fire Department is to deploy one engine to the scene of an emergency within four minutes. The Department's average response time to all calls is currently below the four minute response time goal. The Milpitas Fire Department's current Level of Service Standards are: reflex time - 1.5 minutes, travel time - 3.5 minutes, and second engine response time - six to eight minutes.

Response time from Station #2 to the project site would be approximately 3.5 minutes. In 2003, Station No. 2 responded to 1,254 calls, including: 695 emergency medical service calls, 247 "fill-in/standby" calls, 179 "investigate/enforcement calls," 43 "provide assistance" calls, 31 "extinguish and control" calls, 11 "identify and confine hazardous materials" calls, and 48 other calls.<sup>7</sup>

The City also receives mutual fire aid from other municipalities under the Santa Clara County Mutual Aid Plan and Bay Area Intercounty Fire Mutual Aid Plan for Local Resources. The San José Fire Department and/or the Fremont Fire Department provide mutual aid to Milpitas in emergencies.

#### **Police Service**

Police protection services are provided to the project site by the City of Milpitas Police Department (MPD). Services are provided from one central station, located at 1275 North Milpitas Boulevard. The Department employs 95 sworn officers and operates 26 marked patrol cars. The City is divided into six geographical beats and on most shifts and most days each beat is filled.

The average response time within the City is approximately four minutes and 40 seconds. Highest priority is assigned to emergency calls where life-threatening conditions occur. The target response time for such emergency calls is three minutes. Currently, the average police

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<sup>7</sup> Marilyn Gatchalian, City of Milpitas Fire Department, email to David J. Powers and Associates, October 14, 2004.

response time for non-emergency calls within the City is estimated to be approximately five minutes.

### **Schools**

The project site is located within the Milpitas Unified School District (MUSD). The district serves 9,368 students in grades kindergarten through 12, with nine elementary schools, two middle schools, and two high schools.<sup>8</sup>

The nearest elementary school is Randall Elementary School, located at 1300 Edsel Drive, approximately 1.1 miles southeast of the project site. The nearest middle school is Rancho Milpitas Middle School, located at 1915 Yellowstone Avenue, approximately 1.8 miles southeast of the project site. The nearest high school is Milpitas High School, located at 1285 Escuela Parkway, approximately 1.7 miles northwest of the project site. Calaveras Hills Continuation High School, an alternative high school, is located 0.8 miles east of the site.

The project proposes to develop a total of 181 residential units: 23 one-bedroom, 132 two-bedroom, and 26 three-bedroom condominiums. Using the MUSD student generation rate of 0.25 students per multi-family dwelling unit, the proposed residential units could generate a total of approximately 46 students.

### **Parks and Recreation**

The City of Milpitas provides 157.65 acres of City-owned park and recreation facilities to its citizens,<sup>9</sup> in addition to the 1,539 acres of Ed Levin County Park, which is a regional park that is also within the City's boundaries.

The nearest park to the project site is Gill Memorial Park, located on Paseo Refugio and Santa Rita Drive, approximately 0.5 miles northwest of the project site. Gill Park is a 5.1 acre park with a lighted ball diamond, three tennis courts, two handball courts, a basketball court and four barbecues.<sup>10</sup> The Milpitas Community Center is located 0.5 miles west of the project site and is the site for many of the City's recreation classes and activities.

The Milpitas General Plan sets standards for new park and recreation facilities within the City. For new developments outside of the Midtown Specific Plan Area, 5.0 acres of neighborhood and community parks are required per 1,000 residents. This requirement can be fulfilled through land dedication or through equivalent in-lieu fees. Up to 2.0 acres per 1,000 residents can be developed as usable on-site common or private open space within new residential developments, and the remaining three acres must be developed as public parkland.<sup>11</sup>

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<sup>8</sup> Milpitas Unified School District. Index of Schools. October 12, 2004.  
[http://www.musd.org/dept/musd\\_schools.html](http://www.musd.org/dept/musd_schools.html).

<sup>9</sup> City of Milpitas General Plan Open Space Element, 2001.  
[http://www.ci.milpitas.ca.gov/citydept/planning/general\\_plan/ch4.pdf](http://www.ci.milpitas.ca.gov/citydept/planning/general_plan/ch4.pdf).

<sup>10</sup> City of Milpitas, Recreation Services. October 12, 2004.  
<http://www.ci.milpitas.ca.gov/citydept/planning/recreation/parkfacilityreservation.htm>.

<sup>11</sup> City of Milpitas General Plan Open Space and Conservation Element, 2002. Policy 4.a-I-2.

## Libraries

The Santa Clara County Library System consists of eight libraries and one bookmobile. The Santa Clara County Libraries are governed by the Joint Powers Authority, which is comprised of one City Council member from each of the eight member City jurisdictions and two members from the Santa Clara County Board of Supervisors. Property taxes pay for more than half the cost of operating the Library. In addition to the property tax, property within the district is also assessed for enhanced service through a County Service Area.

The project site is served by the Milpitas Library, located at 40 North Milpitas Boulevard. The Milpitas library provides programs and services for adults, teens, and children, an online public access catalog, CD-ROM and online data bases, Internet access, over 200,000 volumes, audio and video cassettes, DVDs and magazines.

The Milpitas Library has approximately 50,000 visitors per month and circulates approximately 116,000 items a month. The City completed a *Library Needs Assessment* in June 2002. The assessment reviewed the use of the existing facilities, benchmark library size, staffing, and operations with comparable libraries, and assessed the community's library needs. The assessment compared the Milpitas Library with nine other libraries and concluded that the Milpitas Library is deficient in areas such as square footage and collection size.

The City of Milpitas has plans to demolish the existing library and rebuild a new, larger library at the historic Milpitas Grammar School site, located at 160 North Main Street, in the Midtown redevelopment area.

### 1. Environmental Checklist and Discussion

PUBLIC SERVICES						Information Source(s)
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	
<p>Would the project:</p> <p>1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p> <p style="padding-left: 40px;">Fire Protection?</p> <p style="padding-left: 40px;">Police Protection?</p> <p style="padding-left: 40px;">Schools?</p> <p style="padding-left: 40px;">Parks?</p> <p style="padding-left: 40px;">Other Public Facilities?</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	1,2

## **Discussion:**

### **Fire Services**

The existing use on the site creates a relatively low demand for fire services. The proposed project would result in an increase in demand for fire protection as a result of increased occupancy of the site. As mentioned above, Fire Station #2 is less than a mile from the project site, and the response time is within the Fire Department's goal of four minutes.

The proposed project will be built to current Fire Code standards, including sprinklers and smoke detectors, and include features that would reduce potential fire hazards. Access to the site for emergency vehicles will be provided from project driveways, built to Fire Department specifications.

Although the proposed project would increase demand for fire services, it will not require the development of new fire service facilities, and therefore, will not result in a significant physical impact on the environment.

### **Police Services**

The proposed development would be constructed in conformance with current codes, including appropriate safety features to minimize criminal activity. In addition, the project design will be reviewed by the City of Milpitas Police Department to ensure that it incorporates appropriate safety features to minimize criminal activity.

New facilities would not be required to provide adequate police services to serve the increased population resulting from construction of the proposed project.

### **Schools**

The proposed project could generate a total of 46 students from grades K-12. Based on MUSD's capacity and current enrollment, the district would be able to accommodate students generated from the proposed project (see Table 2).

<b>TABLE 2</b>		
<b>Local School Capacity</b>		
<b>School</b>	<b>Capacity</b>	<b>2004 Enrollment</b>
Randall Elementary	489	491
Rancho Milpitas Middle School	780	687
Milpitas High School	3,000	2,775

California law allows the governing body of a school district to impose a fee on all new development within the District's jurisdiction for the purpose of funding the construction or reconstruction of school facilities. California Government Code Section 65995 limits the amount of school fees to be imposed on new development (as of January 2000) at \$2.05 per square foot for residential projects and \$0.33 per square foot for commercial projects, including office development. The Government Code allows for these fees to be exceeded if a Justification Study is conducted and approved; however, the affected school districts have not completed such a study.



The California Government Code does not require the collection of fees; rather, it limits the collection of fees. If a school district chooses to impose impact fees on new development, building permits may not be issued prior to the payment of the required fees. The affected school districts require the payment of school fees up to the State's specified maximum. School fees are collected by the City of Milpitas, and transferred to the applicable school district.

### **Parks**

Based on a projected population increase of 484<sup>12</sup> residents by the development of the project, approximately 2.42 acres of new parkland will be required. Conformance with this requirement can be achieved by dedication of park land or equivalent in-lieu fees.

The project is proposing 1.44 acres of on-site common and private open space. The remainder of the requirement will be met by the payment of fees.

### **Libraries**

The development of the proposed project would add up to 628 additional residents to the City of Milpitas. An increase in residential development will result in an incremental increase in need for library services. It is not anticipated, however, that the proposed project would require the construction of a new library facility, other than that already proposed and planned for by the City.

### **3. Conclusion**

The project would not result in substantial adverse physical impacts associated with the need for new government facilities in order to maintain acceptable levels of service or to meet performance objectives for public services.

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<sup>12</sup> Based on an estimate by the City of Milpitas of 2.69 persons per unit.

## N. RECREATION

### 1. Setting

The City of Milpitas Recreation Services Department is responsible for providing recreational opportunities, parks and facilities for all residents of Milpitas. The City provides 157.65 acres of City-owned park and recreation facilities in 22 neighborhood, community and special-use parks; as well as the Milpitas Community Center, Senior Center, Sports Center and Teen Center.<sup>13</sup> In addition, the 1,539 acre Ed Levin County Park is located in the City's eastern foothills and available to residents.

The nearest park to the project site is Gill Memorial Park, located on Paseo Refugio and Santa Rita Drive, approximately 0.5 miles northwest of the project site. Gill Park is a 5.1 acre park with a lighted ball diamond, three tennis courts, two handball courts, a basketball court and four barbecues.<sup>14</sup> The Milpitas Community Center is located 0.5 miles west of the project site and is the location for many of the City's recreation classes and activities.

### 2. Environmental Checklist and Discussion

RECREATION						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2

**Discussion:** The proposed project would increase the number of residents on the site and would add to the residential population using nearby public recreational facilities. The project design includes an on-site pool, picnic facilities, and open lawn areas. The project is not expected to increase the use of existing parks and recreation facilities such that substantial deterioration would occur or be accelerated.

### 3. Conclusion

The project will result in a less than significant impact on recreation facilities in the City of Milpitas.

<sup>13</sup> City of Milpitas General Plan Open Space Element, 2001.  
[http://www.ci.milpitas.ca.gov/citydept/planning/general\\_plan/ch4.pdf](http://www.ci.milpitas.ca.gov/citydept/planning/general_plan/ch4.pdf).

<sup>14</sup> City of Milpitas. Recreation Services. October 12, 2004.  
<http://www.ci.milpitas.ca.gov/citydept/planning/recreation/parkfacilityreservation.htm>.

## O. TRANSPORTATION

### 1. Setting

The project site is located on the block bounded by Los Coches Street, South Hillview Street, Calaveras Boulevard and Interstate 680 in the City of Milpitas. Access to the site is from Los Coches Street via Calaveras Boulevard, a major thoroughfare through the City which connects to Interstate 680 (see Figures 1 and 2).

### 2. Environmental Checklist and Discussion

TRANSPORTATION/TRAFFIC						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
6) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2

### 3. Conclusion

Based on the size of the proposed project (i.e., 181 dwelling units) and information available at the time of this analysis on current levels of service in the project area, it is assumed that construction of 181 dwelling units would add existing traffic congestion in the area.

A detailed Traffic Impact Analyses will be included in a focused Environmental Impact Report to be prepared for the project. No further analysis of transportation impacts is provided in this Initial Study.

## **P. UTILITIES AND SERVICE SYSTEMS**

The following discussion is based on a due diligence report prepared by *Creegan & D'Angelo* in March 2003 and generation rates provided by the City of Milpitas. The report can be found in Appendix C of this document.

### **1. Setting**

#### **Water Service**

The City of Milpitas provides water to the project site. The source of the domestic water used in Milpitas includes the San Francisco Water Department Hetch-Hetchy system and the City from the Santa Clara Valley Water District. The average water consumption in the City for 1999-2000 was approximately 12,672 acre feet (4.13 billion gallons<sup>15</sup>) per year. The projected domestic water purchases for 2004-2005 will be 15,500 acre feet (5.05 billion gallons) per year.

There is currently a Santa Clara Valley Water District 18-inch high pressure water main located in Los Coches Street that serves the project site. The site currently uses approximately 1,423 gallons per day.

#### **Sanitary Sewer/Wastewater Treatment**

The Milpitas Sanitary Sewer Collection System is owned and maintained by the City of Milpitas. Wastewater from the City of Milpitas is treated at the San Jose/Santa Clara Water Pollution Control Plant, located near Alviso. In 2001, the City of Milpitas discharged 9.0 million gallons per day (mgd) of waste water and is contractually limited to a flow of 12.5 mgd.

There is currently an 8-inch sanitary sewer line located in Los Coches Street that connects to a 15-inch line on the east side of Berryessa Creek. The 15-inch line connects to another 15-inch line located in Calaveras Boulevard. The 8-inch line serves only the project site and the adjacent Cal Skate facility. The site currently generates approximately 1,210 gallons per day of wastewater.

#### **Storm Drainage System**

The City of Milpitas owns and maintains the storm drainage system which serves the project site. The lines that serve the project site drain into Berryessa Creek. Berryessa Creek flows north into Calera Creek, which flows into Coyote Creek. Coyote Creek carries the runoff into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

The project site and the Cal Skate facility currently drain into a gutter along the north property line, which drains into an inlet on the adjacent Kaiser property. There is currently a 21-inch storm drain that serves the Kaiser site. Drainage flows from the three sites has been estimated to be approximately 8.5 cubic feet per second (cfs). The existing 21-inch line has a capacity of approximately 16 cfs.

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<sup>15</sup> One acre-foot of water is equal to 325,851 gallons of water.

## Solid Waste

BFI provides residential solid waste and recycling collection services for the City of Milpitas. The City has contracted with Newby Island Landfill for disposal capacity of municipal solid waste. According to the Countywide Integrated Waste Management Plan, there is sufficient capacity for Santa Clara County for approximately the next 23 years.

### 2. Environmental Checklist and Discussion

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

## **Discussion:**

### **Water Impacts**

The proposed project would use approximately 48,870 gallons per day of water,<sup>16</sup> which is 31,860 gallons per day more than the current land use, as described in the 2002 Water Master Plan. The additional demand will impact water distribution capacity and will cumulatively increase the need for a new water tank, as identified in the 2002 Water Master Plan. As a condition of project approval by the City of Milpitas, the developer will design and install all necessary water lines (including fire flow) in accordance with the City's Water Master Plan and guidelines. In addition, the developer will purchase adequate public system water capacities for the project, including the cost for capacity and storage needs above what was identified in the Master Plan, as determined by the City. Lastly, the developer will determine whether water supply booster pumps are needed for fire and portable water services and, if necessary, install the required pumps pursuant to City requirements.

With implementation of the aforementioned measures, the proposed project will have a less than significant impact on water supply.

### **Sanitary Sewer/Wastewater Impacts**

The proposed project would generate approximately 43,980 gallons per day<sup>17</sup> of wastewater, which is greater than the 28,700 gallons per day allocated for the current land use in the 2003 Sewer Master Plan. The additional flow will impact sewer conveyance capacity, the main pump system capacity, and the Water Pollution Control Plant Capacity. As a condition of project approval by the City of Milpitas, the developer will design and construct all sanitary servers in accordance with the City's Sewer Master Plan and the City Engineering Standards and Guidelines. In addition, the developer will purchase adequate public system sewage capacity. Fees shall consist of treatment plant fees up to the levels established in the Master Plan, plus proportional replacement costs for a new main sewage pump station and regional plant capacity above the master plan capacities, as determined by the City.

With implementation of the aforementioned measures, the proposed project will have a less than significant impact on the sanitary sewer system.

### **Storm Drainage Impacts**

The project site is mostly covered with impervious surfaces. The existing storm drainage system has sufficient capacity to support the existing land uses. Implementation of the proposed project would reduce the amount of impervious surface on the site and, therefore, will reduce the amount of runoff from the site. However, Provision C.3 of the City's storm water NPDES permit requires treatment of all stormwater discharges. The project will implement required stormwater treatment in compliance with the City's Stormwater C.3 Guidebook.

With implementation of the City's C.3 stormwater treatment requirements, the proposed project will have a less than significant stormwater impact.

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<sup>16</sup> Based on average water usage estimated at 100 gallons per capita per day and 2.7 people per unit (181 units).

<sup>17</sup> Based on average per capital generation rates of 90 gallons per capita per day and 2.7 people per unit (181 units).

### **Solid Waste Impacts**

The proposed project would produce approximately 720 pounds of solid waste per day,<sup>18</sup> which is 600 pounds more per day than the existing land use. The City of Milpitas is currently operating a residential recycling program that complies with state-mandated waste reduction goals specified in the Public Resources Code Section 40500. With implementation of the City's residential recycling program, the proposed project will have a less than significant impact on solid waste facilities serving the City of Milpitas.

### **3. Conclusion**

The project would have a less than significant impact on local utilities and service systems within the City of Milpitas.

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<sup>18</sup> Base on average waste production of 4 pounds per unit per day.



<b>Q. MANDATORY FINDINGS OF SIGNIFICANCE</b>						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,3, 4,5,6 7,8
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,3, 4,5,6, 7,8
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,3, 4,5,6, 7,8

**Discussion:** The proposed development would contribute to traffic, hazardous materials, aesthetic, land use, and noise impacts associated with development in an urban area. Project impacts on the natural and human environment may also be significant and the project could potentially contribute to significant cumulative traffic impacts. As a result, the proposed project will need to be analyzed in a Focused Environmental Impact Report to determine the level of significance of the impacts identified in this document.

#### Checklist Sources

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans)
2. City of Milpitas General Plan, 1994
3. U.S. Department of Agriculture, Soils of Santa Clara County, 1968
4. Federal Emergency Management Agency, Flood Insurance Rate Map
5. BAAQMD Air Quality Monitoring Data
6. ABAG Projections, 2003
7. Tree Survey
8. Phase I Environmental Assessment

## V. REFERENCES

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Association of Bay Area Governments. Web Site. <http://www.abag.ca.gov/>

Bay Area Air Quality Management District, CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans, December 1999.

Bay Area Air Quality Management District. Web Site. <http://www.baaqmd.gov/>

City of Milpitas. Milpitas General Plan, 1994.

City of Milpitas. Web Site. <http://www.ci.milpitas.ca.gov>

Institute of Transportation Engineers, *Trip Generation Manual*, 5<sup>th</sup> edition, 1991.

U.S. Department of Agriculture, Soil Conservation Service, *Soils of Santa Clara County*, August 15, 1968.

## **VI. AUTHORS AND CONSULTANTS**

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San José, CA

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## *Appendix A*

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**Saratoga Tree Service**

13745 Skyline Blvd.

Los Gatos, CA 95033

saratogatreeservice.com

408 866-7200

Tree Inventory for

**The Californian**

Milpitas, CA

Barry Swenson Builder

## Saratoga Tree Service

13745 Skyline Blvd.  
Los Gatos, CA 95033

7-15-04

Barry Swenson Builder  
777 N. First Street  
San Jose, CA 95112

Re: The Californian  
Milpitas CA

An on site inspection was performed at the above location to mark and inventory 73 trees. Each of the trees is marked with a metal tag located at about five feet from grade. I used the map made by Robert Bruce Hill and tried to keep the order as close to that map as possible. There were a few errors in tree identification and the number of trees is different. I did not use his evaluation of health in this report.

1	Sequoia sempervirens	Coast Redwood	20" D.B.H.	Fair condition ✓
2	Sequoia sempervirens	Coast Redwood	9"	Good
3	Sequoia sempervirens	Coast Redwood	8"	DEAD ✓
4	Sequoia sempervirens	Coast Redwood	14"	Good / Fair
5	Sequoia sempervirens	Coast Redwood	14"	Fair (trunk damaged)
6	Liquidambar styraciflua	Liquidambar	7"	Good
7	Liquidambar styraciflua	Liquidambar	11"	Good
8	Sequoia sempervirens	Coast Redwood	12"	Fair ✓
9	Sequoia sempervirens	Coast Redwood	14"	Fair
10	Mexican fan palm	Palm	12" (6' tall)	Good ✓
11	Sequoia sempervirens	Coast Redwood	12"	Fair
12	Sequoia sempervirens	Coast Redwood	12"	Fair
13	Sequoia sempervirens	Coast Redwood	12"	Fair ✓
14	Sequoia sempervirens	Coast Redwood	15"	Fair
16	Liquidambar styraciflua	Liquidambar	9"	Fair
17	Platanus acerfolia	Calif. Sycamore	7"	DEAD
18	Liquidambar styraciflua	Liquidambar	12"	Good
19	Liquidambar styraciflua	Liquidambar	10"	Good ✓
20	Liquidambar styraciflua	Liquidambar	12"	Fair
21	Sequoia sempervirens	Coast Redwood	12"	Fair
22	Sequoia sempervirens	Coast Redwood	14"	Poor ✓
23	Sequoia sempervirens	Coast Redwood	12"	Poor
24	Sequoia sempervirens	Coast Redwood	12"	Poor ✓
25	Sequoia sempervirens	Coast Redwood	16"	Good ✓

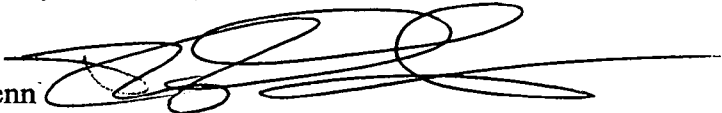
26	Sequoia sempervirens	Coast Redwood	11"	Poor
27	Sequoia sempervirens	Coast Redwood	11"	Fair
28	Sequoia sempervirens	Coast Redwood	11"	Fair ✓
29	Sequoia sempervirens	Coast Redwood	13"	Good
30	Sequoia sempervirens	Coast Redwood	12"	Good
31	Liquidambar styraciflua	Liquidambar	7"	Good ✓
32	Liquidambar styraciflua	Liquidambar	10"	Good ✓
33	Liquidambar styraciflua	Liquidambar	12"	Good ✓
34	Liquidambar styraciflua	Liquidambar	11"	Fair ✓
35	Liquidambar styraciflua	Liquidambar	9"	Poor (diseased) ✓
36	Olive	European Olive	5"	Fair
37	Eucalyptus sideroxlon	Red Ironbark Eucalyptus	19"	Good
38	Robinia pseudoacacia	Black Locust	5"	Fair
39	Robinia pseudoacacia	Black Locust	5"	Fair
40	Eucalyptus sideroxlon	Red Ironbark Eucalyptus	18"	Fair
41	Eucalyptus sideroxlon	Red Ironbark Eucalyptus	19"	Good
42	Pyrus kawakamii	Flowering Pear	7"	Fair (Fireblight)
43	Geijera parviflora	Australian Willow	14"	Fair
44	Geijera parviflora	Australian Willow	12"	Poor
45	Pyrus kawakamii	Flowering Pear	6"	Good
46	Eucalyptus sideroxlon	Red Ironbark Eucalyptus	18"	Fair
47	Eucalyptus sideroxlon	Red Ironbark Eucalyptus	16"	Good
48	Pyrus kawakamii	Flowering Pear	5"	Fair
49	Eucalyptus sideroxlon	Red Ironbark Eucalyptus	18"	Good
50	Eucalyptus sideroxlon	Red Ironbark Eucalyptus	22"	Fair
51	Pyrus kawakamii	Flowering Pear	8"	Good
52	Eucalyptus sideroxlon	Red Ironbark Eucalyptus	18"	Poor (leans)
53	Eucalyptus sideroxlon	Red Ironbark Eucalyptus	20"	Good
54	Pyrus kawakamii	Flowering Pear	6"	Good
55	Geijera parviflora	Australian Willow	11"	Fair (leans)
56	Geijera parvaflora	Australian Willow	10"	Poor
57	Geijera parvaflora	Australian Willow	11"	Good
58	Mexican Fan Palm	Palm	20"	Good
59	Pyrus kawakamii	Flowering Pear	6"	Fair
60	Prunus cerasifera	Purple Leaf Plum	6"	Fair
61	Prunus cerasifera	Purple Leaf Plum	6"	Poor
62	Prunus cerasifera	Purple Leaf Plum	11"	Good
63	Maytenas boaria	Mayten	10"	Good
64	Pyrus kawakamii	Flowering Pear	3"	Fair (parking lot)
65	Pyrus kawakamii	Flowering Pear	6"	Poor
66	Prunus cerasifera	Purple Leaf Plum	9"	Fair
67	Prunus cerasifera	Purple Leaf Plum	9"	Fair
68	Prunus cerasifera	Purple Leaf Plum	9"	Poor Almost dead
69	Pyrus kawakamii	Flowering Pear	10"	Good

70	Sequoia sempervirens	Coast Redwood	10"	Good
71	Sequoia sempervirens	Coast Redwood	7"	Good
72	Sequoia sempervirens	Coast Redwood	6"	Good
73	Sequoia sempervirens	Coast Redwood	12"	Good

This concludes the inventory for the above mentioned location.

Respectfully submitted,

Blair Glenn

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

I.S.A. Certified Arborist #654